

STANDARD OPERATING PRACTICE FOR THE REPORTING OF SEX/ SEXUAL ACTIVITY OF MINORS IN A RESEARCH CONTEXT

Whilst there are no specific protocols for dealing with reports of sexual abuse of children, the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 (Act No. 32 of 2007) clearly stipulates that in the event of a report of sexual abuse by a child or any other person of the abuse of a child, the relevant person has the **legal** (statutory) obligation to report such abuse to the police and replaces previous legislation where reporting could be done to a social worker or the police. According to the Child Advocate, a disclosure by a child (specific child, specific offender) is sufficient to require such reporting.

Given this statutory requirement, **research with children that focuses on children's sexuality and reproductive health** is likely to encounter instances of abuse of children. According to the Act, a child is any person below the age of 18, but with reference to Sections 15 and 16 of the Act, it refers also or specifically refers to any person below the age of 16. For the purposes of this document, **all ages up to 17 are referenced as children**. To adequately address the response of this requirement *within a research context*, the following standard operating practice will be followed:

1. Any child of 17 years or younger who reports abuse (as defined in the Act), or on whose behalf abuse is reported by a peer, care giver/guardian or family member or other relevant person will trigger an immediate termination of further interviews with the respondent and members of the household. (See point 3 as well).
2. If there is a clear statement that the parties involved in the abuse involves an adult (anyone 18 or older) or anyone who is **more than two years older (Section 56(2)(b))** than the child, the interviewer will report the matter to **Childline South Africa at tollfree: 0800 055 555**. **Childline** will then contact a registered social worker in the area who will investigate and inform the South African Police Service (SAPS) accordingly. The interviewer will record details of the child's name, physical address and the name of the school the minor attends. As proof of meeting the statutory reporting obligation, the interviewer must insist on a Childline reference number as proof of reporting.
3. If there is a clear statement that the parties involved in the abuse ((NON- CONSENSUAL SEX) are peers (**not more than two years older than the child**), the matter will be referred to the nearest office of the Department of Social Development. In the case of CONSENSUAL underage sex, where the parties involved are no more than two years apart in age, no reporting action will be taken (See Table for potential recommendation)

4. Any secondary reporting of abuse, i.e., where a child indicates that s/he has reported the abuse to a teacher or another adult and no action was taken will be brought to the attention of **Childline**, who will deal with the matter. Again, the interviewer will insist on a Childline reference number, as proof of reporting.

An important basis for making decisions about reporting instances of sexual abuse is that the researcher needs to be clear that there **was an age difference of more than two years** between the child and the other party. If there is a lack of clarity or uncertainty, the researcher must consult with the Project Manager or Director, but continue with the research.

A few examples of this protocol in practice:	Action by researcher
A 14 year old tells of having sex with her 17 year old boyfriend	Childline → Police
A 12 year old reports 'having sex' with 19 year old neighbour	Childline → Police
An 11 year old tells of a previously reported incident of 'bad touching' by adult aunt that went to court	No action Ask if the child wants to talk to someone
A 15 year old relates rape by father	Childline → Police
A 13 year old boy relates anecdote of sex with 15 year old girlfriend (Consensual underage sex)	Not over two years, so no action
A 13 year old says he or she is 'having sex' but does not disclose with who it is	No action
A 17 year old brags that he has 'forced' many girls into having sex with him	No action
A 17 year old student speaks of having being made pregnant by a school teacher who she does not identify	Would she want to speak to a professional counsellor?
A 18 year old school student points out a female school teacher with whom he says he is 'sleeping'	Would she want to speak to a professional counsellor